



“SERVING THE HUNTER WHO TRAVELS”

“Hunting provides the principal incentive and revenue for conservation. Hence it is a force for conservation.”

Special To The Hunting Report World Conservation Force Bulletin

by John J. Jackson, III

DATELINE: WASHINGTON, DC

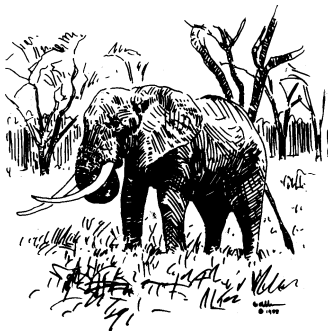
News... News... News...

Cameroon Elephant Permits Denied

The US Fish & Wildlife Service (USF&WS) has denied the import of all elephants taken in Cameroon in 1998 and 1999. In a three-page ruling, the Division of Management Authority (DMA) denied all of the outstanding permits for that period on the basis that the applicants failed to prove that the hunting “enhanced” the survival of the elephant as required by a “special rule” of the US adopted under the US Endangered Species Act. It also cited and attached a seven-page Division of Scientific Authority (DSA) advice that DSA was “unable” to determine that the imports would be for a “purpose” that was not “detrimental” as required by CITES. That’s right, the permit applications were separately found lacking under both laws and both divisions. The denials were rendered in the middle of December and provide that a Re-

quest for Reconsideration can be taken within 45 days.

Though Conservation Force played a large part in establishing the import of elephant trophies from Cameroon when they were permitted to be imported in the past, we were not handling any of the permits in this instance. Consequently, we don’t



know how many applications were pending and denied for the 1998-99 period, the dates of the denials or the identification of the permit applicants, though we are working on it. Cameroon elephant trophies were permitted to be imported in 1995 for all applications from 1990 to 1995 and again in 1997 for all permits

through 1997. In both of those instances I was handling a permit and stepping it through the bureaucratic process, for the benefit of all. In this instance, there was no “test permit,” and we represented none of the applicants to baby it through the process. Nevertheless, Conservation Force is accepting this new challenge and is looking for applicants who wish to appeal. Again we will handle it pro-bono because of its conservation importance.

Frankly, we were shocked by the findings that were made. The Division of Scientific Authority wholly disregarded the Elephant Suit of the early ’90s and the revision of Resolution 2.11 of CITES at Fort Lauderdale, Florida. First, the Service made a biological judgment, instead of a determination of the “purpose” of the import, i.e., it went beyond the scope of its duty and authority. Second, the Service wholly ignored that Cameroon’s biological non-detriment determination is presumed to be correct. Cameroon is a sovereign nation and party to CITES. It is in the best position to make the biological findings and has the greatest inter-

est and responsibility to do so. CITES Resolution 2.11 was revised in Fort Lauderdale to expressly provide that the non-detriment determination made by the “range nation” should be accepted on its face. Instead, the Service placed a burden upon the applicant and Cameroon to re-prove that the hunt was not biologically detrimental. Moreover, the Service took it upon itself to examine the management system of Cameroon as well. Third, the Division of Scientific Authority demanded proof that the hunting “enhanced” the elephant rather than just a finding that the hunting was not harmful, “detrimental.”

Both the DSA and the MSA made factual findings that were incorrect, which reflects the turnover in personnel in their offices and worse, that their staff may be blind to the benefits of hunting and the nuisances of CITES and unaware of the past elephant-import litigation lead by yours truly. It’s ironic that the DSA and DMA change of staff personnel in the USA mimics the problems noted in Cameroon, but the Service does not mention that fact.

One surprising reason that the Service listed for not being able to make a positive finding was because it had “no official notification” that Cameroon had adopted the “Elephant Plan,” but elsewhere in the advice the Service states that it had received “official confirmation” of the adoption of the elephant plan through the US Embassy in Cameroon, including the exact date. Isn’t that “official notification”? The Service normally sends its own notices to foreign governments through those governments’ embassies. Moreover, the Service refers again and again to the terms of the Plan they deny exists. What is more puzzling is the fact that the Service participated in the meeting that drafted the plan and in meetings to implement parts of it.

In another instance in the “Advice,” the Service is critical of Cameroon’s National Elephant Plan. The Service charges that although the plan has the customary wish list of

things to be done, the plan does not provide specifically who is to fund that list, a timetable for completion and other details. None of the National Elephant Plans across Africa do, nor can they at that stage. The Service knows this well because it has helped fund and has participated in the drafting of all the plans across Africa. When and what donor is to do each detail is a secondary development largely out of Cameroon’s control and largely dependent upon the will of donor NGO’s and governments from the developed world, like the USA, that pick and choose and largely control those details.

The Service complains that there is a lack of elephant population and biological information, but the reality is that Cameroon has some of the most studied elephants in the world and has the densest populations of forest elephants in the world. The Service states population numbers but neglects to even consider that those high numbers are just those in the protected areas in the southeast, not those outside of the protected area. The Service also states that Cameroon does not have an acceptable area-specific hunting quota. In fact, the CITES Secretariat has complimented Cameroon for the design of its quota and cited that quota as an example to be followed by other elephant nations! Even the EU expressed its satisfaction and authorized imports for this period.

Susan Lieberman was Chief of the DSA at the time the denial advice from that office was rendered, and her signature is on the front sheet. She had previously been employed by the Humane Society of the United States (HSUS) in charge of that anti-hunting organizations’ CITES efforts. One of the last public things she did in the employ of HSUS was testify before a Congressional subcommittee on behalf of HSUS and a number of other anti-hunting organizations that no elephant trophy imports should be permitted. The staff’s published analysis of the hearings noted that she was the only witness that testified against el-

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World Conservation Force Bulletin

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elephant trophy imports. I note this fact because of how extreme the DSA advice gets. One of the reasons for the advice is a first. The DSA is critical of Cameroon for not establishing research and monitoring programs to better protect elephant populations crossing international borders in cross-border cooperation within the framework of the Bonn Convention on Migratory Species to which Cameroon is a party. This reads like the findings of the USF&WS for not permitting polar bear import permits until there are acceptable co-management agreements between neighboring nations. We've never seen this before in any CITES import "purpose" non-detriment determination. Though it might be nice on a wish list, it should not have been cited as a prioritized reason the DSA was "unable" to make a finding that the "purpose" of the imports are not detrimental.

One can go on with this analysis, but there are some other factors that perhaps were more controlling in the decision process. The personnel transitions in the Service and Cameroon have complicated matters more. The Service has to be tongue-in-cheek to complain of not receiving a response from Cameroon in a period when it had no Director! Ironically, the Service itself has not processed wood bison, Mozambique elephant, markhor or many other permits for a year while waiting for its own new director. Most importantly, the DSA's advice that DMA relied upon was wholly outdated. Even Conservation Force has been out of that information loop. Though Conservation Force has issued numerous Freedom of Information requests, the process is slow and responses are cryptic.

The DSA concludes its itemized reasons for its negative "advice" with one last point. Safari Club International (SCI) sent a letter to the Service dated May 7, 1999. The DSA quotes SCI as stating "that its Executive Committee might consider calling for a closure of sport hunting by US hunters in Cameroon if manage-

ment issues, including lack of progress on the elephant management plan and evidence of uncontrolled hunting, could not be resolved in a timely manner." Though the DSA goes on to state that "at the



time of this finding, we do not believe that SCI has actually called for closure of sport hunting in Cameroon" the letter was in fact used by the Service as its last nail in the coffin. The permits were denied.

SPECIAL REPORT

News... News... News

André De Georges Joins CF Team

André De Georges has joined the team of expert volunteers serving Conservation Force. In early January he became Conservation Force's "African advisor." André has a master's degree in Natural Resource Management and is aptly qualified to be one of our expert volunteers. He has over 25 years of natural resource management, planning and policy reform experience in Africa, the United States, Central America and the Caribbean. He has an extensive network of contacts throughout Africa. Apparently it all started for him as a US Peace Corps volunteer nearly 30 years ago, but he has since worked for US AID, the US Environmental Protection Agency and The Development Assistance Corporation.

André opened SCI's African Office, which began under my Presidency of Safari Club International

(SCI), in 1995-96. He ran that office from September 1995 until November 2001. He was one of my original expert bio-political soldiers and is the last one of those to depart from the SCI staff. Though I hired him in 1994, he really began before that as a volunteer for the Renewable Wildlife Resources Committee of SCI which I chaired. His first assignment was to go to Cameroon as an unpaid volunteer as part of the Cameroon and West Africa Initiatives. The purpose of "initiatives" was to expand hunting destinations and to establish American hunting ethics and conservation practices in that region of Africa. In the face of greater demand and rising safari prices, we badly needed more hunting destinations.

My own efforts in Cameroon began in 1991 as part of the African Elephant Initiative with Ludo Wurfbaun of Safari Press, who graciously permitted my law office to file an elephant trophy import permit as a test case to establish the import of those elephants for the good of everyone. We did it all pro bono as did André initially before being hired. André speaks French. He had over a decade of experience in Africa. He was eager, tireless and committed. Together, we established the first import of Cameroon elephant trophies while I was at the helm of Safari Club International.

The success, one of many during the productive first half of the 1990s, was short lived. After my leadership of SCI there was little effective political will within SCI to continue with that particularly difficult initiative, and the staff shunned it. Nevertheless, André and I, then largely working apart but with complementary efforts and effect, were able to re-establish elephant trophy imports again for a second time in 1997. Those trophy permit applications that had built up after the 1995 grants were then granted until 1998. There is much more to this story that will have to wait telling, but which is obviously significant in light of the recent denial of all 1997 and 1998 Cameroon elephant trophy im-

port permits by the USF&WS. Suffice it to say that the powers that be prohibited information exchange so that our efforts could no longer be complementary.

Today, Cameroon has been made

an important hunting destination with or without elephant hunting and despite the resistance of some. This is just one of the many successes shared with André, so hopefully it will be good for the community that

we are able to work together again. We need funding support from donors, and we need it now to bear the out-of-pocket cost of continuing to use André in Africa. Can you help keep him there?

Briefly Noted

Governor's Heritage Conference... CIC Conference... More

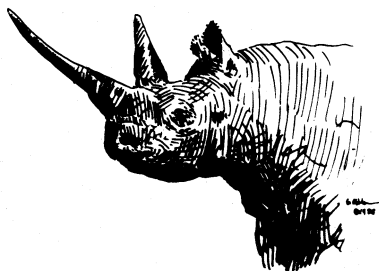
■ **Well-known Hunter Sentenced for Smuggling:** TRAFFIC North America, a division of Trade Analysis of Flora and Fauna in Commerce, which monitors worldwide trade in connection with CITES, reports the following, quoting a USF&WS press release on Paul W. Asper, who is well known in some hunting circles: “Paul W. Asper, a Pennsylvania man with a history of wildlife smuggling convictions, was sentenced on 17 April 2001 in US District Court for the Northern District of Illinois to 10 months in jail, two years supervised probation upon release and a \$10,000 fine for violating federal wildlife and firearms laws. Asper pleaded guilty in July 2000 to unlawfully importing two black rhinoceros (*Diceros bicornis*) horns and other parts of endangered wildlife, and for unlawfully possessing a firearm.

“Asper, who was returning from a hunting trip in China, was arrested on 24 December 1998 by US Fish and Wildlife Service (FWS) agents at Chicago's O'Hare Airport, after federal customs and wildlife inspectors discovered the black rhinoceros horns, an Argali sheep (*Ovis ammon*) jaw bone, a set of Mongolian gazelle (*Procapra gutturosa*) horns and a Ruger M-77 hunting rifle in his luggage.

“The black rhinoceros and Argali sheep are protected under the US Endangered Species Act. The Mongolian gazelle is not protected by US or international law; however, persons importing wildlife parts to the United States must declare the items on US Customs documents. Asper failed to declare any wildlife items

to US Customs or FWS agents.

“The sentence is the latest in a series of wildlife convictions for Asper. He has previous convictions



for illegally importing crocodile and leopard hides and for smuggling a bald eagle into the United States from Canada. In August 1990, Asper was convicted on 16 counts of smuggling

endangered species into the United States, for which he served 27 months in prison and paid a \$140,000 fine...”

From our point of view here at Conservation Force, one of these convictions is all too common. You must declare the import of any trophy when you enter the US at the time of entry. It is considered smuggling not to file a USF&WS 3-177 declaration form when you are importing animal parts. A violation is a felony. Even USF&WS employees have been convicted of it.

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■ **Conference Rescheduled:** The Governor's Heritage Conference that was scheduled for November 2002 has been rescheduled to November 2003. The exact date in November has not yet been chosen. This one is being hosted by Texas and certainly should be a stand-out.

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■ **CIC Seeks New Members:** The CIC (International Council of Game and Wildlife Conservation) has scheduled its annual meeting this year in Istanbul from May 1-4. We are looking for a few good members. I serve as Vice President of CIC's Tropical Game Commission, which concerns all game South of the Equator, and as President of the Pro-Chasse Task Force. For more on the CIC, view its web page at www.cic-wildlife.org. If you would like an invitation to this prestigious group, please call me as soon as possible. Just contact me by phone at 504-837-1233 or e-mail jjw-no@att.net; or write me at 3900 N. Causeway Blvd., Suite 1045, Metairie, LA 70002-1746.

Conservation Force Sponsor

The *Hunting Report* and Conservation Force would like to thank International Foundation for the Conservation of Wildlife (IGF) for generously agreeing to pay all of the costs associated with the publishing of this bulletin. IGF was created by Weatherby Award Winner H.I.H Prince Abdorreza of Iran 20 years ago. Initially called The International Foundation for the Conservation of Game, IGF was already promoting sustainable use of wildlife and conservation of biodiversity 15 years before the UN Rio Conference, which brought these matters to widespread public attention. The foundation has agreed to sponsor *Conservation Force Bulletin* in order to help international hunters keep abreast of hunting-related wildlife news. Conservation Force's John J. Jackson, III, is a member of the board of IGF and Bertrand des Clers, its director, is a member of the Board of Directors of Conservation Force.



International Foundation for
the Conservation of Wildlife

MEMO

To: Jim Young, Print N Mail
From: Leonardo Mocci, The Hunting Report
Re: February 2002 Issue of Conservation Force Supplement
Date: January 22, 2001

Jim,

Here's the February 2002 issue of the Conservation Force Supplement to be inserted in The Hunting Report. Don't forget to insert John Jackson's picture on page 2. Please fax "blue lines" for approval A.S.A.P.

Print run is 4700 . Ship overs to us as usual.

Please call me if you have any questions.

Leonardo

P.S. Please make sure that John Jackson gets his 25 copies.